

**TOWN OF CONCORD
TOWN HOUSE
CONCORD, MA 01742**

**BULK RATE
U.S. POSTAGE PAID
PERMIT No. 51**

**RESIDENTIAL CUSTOMER
LOCAL 01742**

WARRANT FOR SPECIAL TOWN MEETING

WEDNESDAY, APRIL 27, 2011

7:30 PM

CONCORD-CARLISLE REGIONAL HIGH SCHOOL

ADJOURNED SESSION IF NECESSARY

THURSDAY, APRIL 28, 2011

JOINT PUBLIC HEARING

BOARD OF SELECTMEN, FINANCE COMMITTEE & PLANNING BOARD

TUESDAY, APRIL 12, 2011 AT 7:30 PM

ALCOTT SCHOOL - AUDITORIUM

**THE COMMONWEALTH OF MASSACHUSETTS
WARRANT FOR SPECIAL TOWN MEETING
Wednesday, April 27, 2011**

Middlesex, ss.

To any of the Constables of the Town of Concord, in said County,

In the name of the Commonwealth of Massachusetts, you are hereby required to notify the legal voters of said Town of Concord, qualified to vote at Town Meeting for the transaction of Town affairs, to meet at the Concord-Carlisle Regional High School at 500 Walden Street, in said town, on Wednesday, the twenty-seventh day of April, 2011, at 7:30 o'clock in the evening, by posting a printed copy of this Warrant by you attested, at the Town House and in at least one public location in each precinct in Concord, and by mailing a copy thereof to every household fourteen days, at least, before said 27th of April, 2011, then and there to act upon the following Articles:

**AMENDMENT TO NON-CRIMINAL DISPOSITION OF VIOLATIONS OF TOWN BYLAWS BYLAW
ADOPTION OF APPENDIX A (FINES)**

ARTICLE 1. To determine whether the Town will vote to amend the "Non-Criminal Disposition of Violations of Town Bylaws Bylaw" to add a new Section 5 and Appendix A as follows:

Section 5. Penalties

Penalties for violations shall be as listed in Appendix A.

APPENDIX A

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Alcoholic Beverages Bylaw**	1 st and each subsequent offense	\$100.00	Police Officers
Animal Bylaws*	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Police Officers
Construction Noise Bylaw***	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Demolition Delay Bylaw*	1 st and each subsequent offense	\$300.00	Building Commissioner
Dog Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	\$25.00 \$50.00 \$100.00	Dog Officer and Police Officers
Groundwater Protection Bylaw*	Each day of violation	\$200.00	Board of Health

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Horses on Sidewalks Bylaw*	1 st offense 2 nd & each subsequent offense	Warning \$50.00	Police Officers
House Numbering Bylaw*	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Building Inspector
Hunting Bylaw*	1 st and each subsequent offense	\$50.00	Police Officers
Internal Combustion Engines on White Pond Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Motor Boat Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Outdoor Fires and Camping Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Peeping Bylaw**	1 st and each subsequent offense	\$100.00	Police Officers
Permit Parking Bylaw**	1 st and each subsequent offense	\$50.00	Police Officers
Private Digging of Roads Bylaw*	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Town Engineer or his/her designee
Regulation of Vehicles Bylaw**	1 st and each subsequent offense	\$50.00	Police Officers
Sale of Tobacco to Minors Bylaw*	1 st offense 2 nd offense 3 rd and each subsequent offense within 24-mo period	\$100.00 \$200.00 + 7-day suspension \$300.00 + 30-day suspension	Public Health Director or his/her designee
Sign Bylaw*	1 st offense 2 nd offense, 90 days after notice 3 rd and each subsequent offense	\$25.00 \$25.00 \$50.00	Building Commissioner

BYLAW	FINE SCHEDULE	FINE ALLOWED	ENFORCEMENT AGENCY
Smoke Free Workplace Bylaw*	1 st offense 2 nd offense 3 rd offense 4 th offense Each subsequent offense	\$25.00 \$50.00 \$100.00 \$200.00 \$300.00	Board of Health
Smoking in Public Places Bylaw*	1 st and each subsequent offense	\$25.00	Police Officers
Snow and Ice Disposal Bylaw**	1 st offense 2 nd offense Each subsequent offense	Warning \$100.00 \$200.00	Police Officers
Snow and Recreational Vehicles Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Soliciting Bylaw**	1 st offense 2 nd offense 3 rd and each subsequent offense	Warning \$50.00 \$200.00	Police Officers
Underground Fuel Storage Systems Bylaw*	1 st and each subsequent offense	\$100.00	Fire Chief
Trash Pickup Bylaw***	1 st offense 2 nd & each subsequent offense	Warning \$25.00	Public Works Director and/or his/her Designee
Unregistered Motor Vehicles Bylaw**	1 st offense 2 nd offense-30 days after warning 3 rd and each subsequent offense	Warning \$50.00 \$100.00	Police Officers
Water Use Restriction Bylaw*	1 st offense 2 nd and each subsequent offense	\$50.00 \$100.00	Police Officers
Wetlands Bylaw*	1 st offense 2 nd offense 3 rd offense	\$100 per day \$200 per day \$300 per day	Natural Resources Director or other Designee of the Town Manager
Zoning Bylaw*	1 st offense 2 nd offense 3 rd and each subsequent offense	\$50.00 \$50.00 \$100.00	Building Inspector

or take any other action relative thereto, including adding fines for any new bylaw to be enacted at the Annual Town Meeting.

The Town adopted a Non-Criminal Disposition Bylaw in 1984 which provides for the enforcement of Town Bylaws through the issuance of tickets, which can be paid to the Town or appealed through a civil proceeding at the Concord District Court. This proposed article updates the fine schedule that accompanies that bylaw. The asterisks are included in Appendix A for purposes of the warrant only and are not intended to be included in the proposed bylaw change. The asterisks designate three categories of fines as follows:

- * Fines previously adopted by Town Meeting, with no change proposed;*
- ** Fines previously adopted by Town Meeting, with increases in amount proposed by enforcement officials; and*
- *** New proposed fines, never previously adopted by Town Meeting.*

LAND ACQUISITION IN WEST CONCORD

ARTICLE 2. To determine whether the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, fee, easement and/or other real property interests in, on, over, across, under and along all or any portions of the following properties:

- a.) the lot shown on the Assessor's maps as parcel #2195, at #74 Commonwealth Avenue, comprised of approximately 13,275 square feet, now or formerly owned by Hollis R. Holden;
- b.) the lot shown on the Assessor's maps as parcel #2184-1-2, located at #13B Commonwealth Avenue, comprised of approximately 35,150 square feet, now or formerly owned by LeBaron Trust;

said property to be acquired for general municipal purposes, on such terms and conditions as the Board of Selectmen may determine and for a sum not to exceed \$450,000, and that to raise said appropriation, the Treasurer be authorized, with the approval of the Board of Selectmen to borrow in accordance with Massachusetts General Laws Chapter 44 a sum not to exceed \$450,000, said authorization to be reduced by the amount of any grant or gift received for the purchase of the property, or take any action relative thereto.

This Article authorizes the Selectmen to acquire all or a portion of two parcels of land in West Concord recommended for acquisition in the West Concord Master Plan and which the West Concord Task Force believes could help improve traffic and pedestrian circulation, public safety, and public access to open space. One parcel has been available for sale for some time and the other is expected to come on the market in the future. \$450,000 has been programmed in the Town Manager's Five Year Capital Plan for Improvements in West Concord, which can include the acquisition of real estate.

ZONING BYLAW AMENDMENT – TABLE OF USE REGULATIONS **(WEST CONCORD INDUSTRIAL DISTRICT)**

ARTICLE 3. To determine whether the Town will vote to amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE 1 – PRINCIPAL USE REGULATIONS** to modify the uses in the West Concord Industrial (WCI) District.

- 1) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District column, insert the word "no" next to the following subsection: 4.5.15 Vehicular dealerships; and
- 2) In Table I – Principal Use Regulations, under the West Concord Industrial (WCI) District column, insert the letters "SP" next to the following subsections: 4.3.8 Lodge and club; 4.5.2 Personal service shop, 4.5.7 Funeral home, 4.5.9 Veterinary and kennel, 4.5.13 Auto service station and 4.5.14 Auto repair shop;

so that Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses						Industrial Districts	
						WCI	I
4.1	Extensive Uses						
4.1.1	Forestry					yes	yes
4.1.2	Agriculture, horticulture, floriculture and viticulture					yes	yes
4.1.3	Greenhouse					yes	yes
4.1.4	Earth Removal					SP	SP
4.1.5	Conservation use					yes	yes
4.1.6	Private recreation					yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling					no	no
4.2.2	Two-family or additional dwelling unit					no	no
4.2.3	Combined business/residence					no	no
4.2.4	Combined industrial/business/residence					SP	SP
4.2.5	Residential Compound					no	no
4.2.6	Residential Cluster Development					no	no
4.2.7	Planned Residential Development					no	no
4.2.8	Boarding house					no	no
4.2.9	Hotel and motel					no	no
4.3	Institutional Uses						
4.3.1	Educational					yes	yes
4.3.2	Child care facility					yes	yes
4.3.3	Religious					yes	yes
4.3.4	Philanthropic					yes	yes
4.3.5	Hospital and nursing home...					no	no
4.3.6	Assisted living residence					no	no
4.3.7	Cemetery					no	no
4.3.8	Lodge and club					SP	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use					yes	yes
4.4.2	Underground utility					yes	yes
4.4.3	Above ground utility					yes	yes
4.5	Business Uses						
4.5.1	Retail store					no**	no**
4.5.2	Personal service shop					SP	no
4.5.3	Craft shop					yes	yes
4.5.4	Restaurant					yes	yes
4.5.5	Indoor amusement					yes	yes
4.5.6	Outdoor amusement					yes	yes
4.5.7	Funeral home					SP	yes
4.5.8	Repair shop and building trade					yes	yes
4.5.9	Veterinary and kennel					SP	yes
4.5.10	Financial and business office					yes	yes

Principal Uses						Industrial Districts	
						WCI	I
4.5.11	Professional office					yes	yes
4.5.12	Medical center and laboratory					yes	yes
4.5.13	Auto service station					SP	yes
4.5.14	Auto repair shop					SP	yes
4.5.15	Vehicular dealerships					no	yes
4.5.16	Boat sales and rental					yes	yes
4.5.17	Parking facility					yes	yes
4.5.18	Transportation services					SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse					yes	yes
4.6.2	Storage yard, open-air sales					SP	SP
4.6.3	R&D and Light Manufacturing					yes	yes
4.6.4	Manufacturing, packaging, processing, and testing					yes	yes
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses					no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

♦ Except as provided by Special Permit in Limited Business District #8

♦♦ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

or take any other action relative thereto.

This amendment was developed to further enhance pedestrian appeal and village character within the West Concord Industrial District by the West Concord Task Force and the Planning Board. This table is a portion of the full Table I – Principal Use Regulations for purposes of the warrant only, to illustrate the use categories that are intended to be changed for the West Concord Industrial District and to show a comparable Zoning District. Subsection 4.5.19 “Grocery store” has not been included in this chart since it has not yet been approved by Town Meeting; if approved, then the motion under this article will need to be amended to incorporate subsection 4.5.19 Grocery store. Changes above are shown underlined and highlighted for the warrant only.

ZONING BYLAW AMENDMENT – COMBINED INDUSTRIAL/BUSINESS/RESIDENCE USE (WEST CONCORD INDUSTRIAL DISTRICT and INDUSTRIAL DISTRICT)

ARTICLE 4. To determine whether the Town will vote to amend **Zoning Bylaw Section 4.2.4 Combined industrial/business/residence** use to revise the standards and criteria for allowing issuance of a special permit for such combined uses in the West Concord Industrial (WCI) and the Industrial District by deleting the section in its entirety and inserting the following new Section 4.2.4:

4.2.4 Combined industrial/business/residence: A dwelling unit or units and retail store(s) may be located on the same lot where industrial uses and non-retail business uses are conducted provided that:

4.2.4.1 Each such dwelling unit and retail store (including grocery store) is structurally part of an industrial/non-retail business building(s), having at least a common foundation and roof.

4.2.4.2 At least twenty (20) percent of the dwelling units (and no less than one unit) are available as affordable housing; however, if at least ten (10) percent of the industrial use and/or non-retail business

use is available at an affordable rent or lease as determined by the Board, then the number of required affordable dwelling units may be reduced from twenty (20) percent to no less than ten (10) percent.

4.2.4.3 In a combined industrial/business/residence project, one or more retail store(s) or grocery store(s) may be allowed as a principal use, but in the aggregate they shall not exceed twenty-five (25) percent of the gross floor area.

4.2.4.4 In a combined industrial/business/residence project, the industrial and non-retail business uses combined shall be not less than thirty percent (30%) of the total gross floor area.

4.2.4.5 No residential dwelling units shall be located on the ground/first floor.

4.2.4.6 If located in the West Concord Industrial District, the design of the structure and the site for the combined industrial/business/residence project shall adhere to the recommendations of the West Concord Design Guidelines. A special permit shall be issued under this section only if the Board shall find that the combined industrial/business/residence use is in harmony with or advances the recommendations and intent of the 2010 West Concord Master Plan and the criteria listed in Section 11.6 Special Permit.

4.2.4.7 In a combined industrial/business/residence project where at least ten percent of the dwelling units are available as affordable housing and at least ten percent of the industrial or non-retail business use area is available at an affordable rent or lease, the Board may grant a special permit to allow an increase in the height of the building to forty (40) feet, as defined in Section 6.2.11, if the Board finds that the proposed combined industrial/business/residence project is in harmony with the general purpose and intent of this section and that it will not be detrimental or injurious to the neighborhood in which it is to be located.

or take any other action relative thereto.

This amendment was developed in response to the recommendations of the 2010 West Concord Master Plan.

ZONING BYLAW AMENDMENT – ESTABLISH THE WEST CONCORD MIXED USE OVERLAY DISTRICT

ARTICLE 5. To determine whether the Town will vote to amend the **Zoning Bylaw to establish the West Concord Mixed Use Overlay District** by:

- 1) Adding a new zoning district classification of “Overlay Districts” and listing a new district called the “West Concord Mixed Use Overlay District” to Section 2.1 as follows:

Insert the words “Overlay Districts” in the existing list of districts after the list of districts under the “*Industrial Districts*” classification; and insert and indent the words “West Concord Mixed Use Overlay District” under the “*Overlay Districts*” classification.

- 2) Amending Section 2.2 Zoning Map to revise the date of the Zoning Districts from 2010 to 2011 as follows:

Zoning Districts, Town of Concord, 2011 (Scale 1” = 100’ consisting of 122 sheets)

And further revise the Zoning Map to incorporate the West Concord Mixed Use Overlay District, a portion of the area of the West Concord Industrial District and West Concord Business District, as shown on a map dated March 8, 2011, on file with the Town Clerk.

- 3) Deleting the final paragraph of Section 2.2 Zoning Map, that established the West Concord Interim Planning Overlay District, a district that was intended to expire upon the close of the 2011 Annual Town Meeting.
- 4) Deleting Section 7.9 West Concord – Interim Planning Overlay District, which is intended to expire upon adjournment of the 2011 Annual Town Meeting; and,
- 5) Adding a new Section 7.9 West Concord Mixed Use Overlay District (WCMUOD) as follows:

7.9 West Concord Mixed Use Overlay District (WCMUOD)

7.9.1 Purpose. The purpose of the West Concord Mixed Use Overlay District is to:

- (a) Implement key components of the West Concord Village Center Study (Master Plan) dated April 19, 2010;
- (b) Provide in-town residential opportunity near public transportation and village services;
- (c) Ensure appropriate space is available for affordable light-industrial uses in the West Concord Industrial District;
- (d) Mitigate the potential impact of residential use on the industrial uses while providing opportunity for the industrial uses to perform vital tasks;
- (e) Preserve open space and first floor industrial uses by enabling a modest increase in building height;
- (f) Ensure open space is accessible by the public and programmable for a variety of uses to benefit the Town;
- (g) Recognize the value of, protect, provide access to, and improve the waterways and natural areas adjacent to the West Concord Industrial District;
- (h) Complement and contribute to a vibrant, eclectic, and active village center in West Concord; and,
- (i) Provide additional tax revenue for the Town.

7.9.2 Applicability. The West Concord Mixed Use Overlay District is an overlay district that is superimposed over the underlying portions of West Concord districts. Except as limited herein, the underlying zoning shall remain in full force and effect. An applicant for a project located within the West Concord Mixed Use Overlay District may seek a special permit and site plan review in accordance with the requirements of Sections 11.6 and 11.8. All use regulations, definitions, and standards of the underlying zoning district shall apply within the West Concord Mixed Use Overlay District, except when specifically modified or supplemented by this Section 7.9. When the West Concord Mixed Use Overlay District varies dimensional or other requirements otherwise set forth in the Zoning By-Law, the terms and conditions of the West Concord Mixed Use Overlay District shall control for the purposes of such special permit application. When a building permit is issued for any Project granted a special permit in accordance with this Section 7.9, the provisions of the underlying district(s) shall no longer be applicable to the land subject to such special permit.

7.9.3 Standards

7.9.3.1 Uses Permitted by Special Permit: In addition to the uses permitted in the underlying districts, the following uses are permitted by special permit in the West Concord Mixed Use Overlay District:

- (a) Mixed Use Project, defined as a combination of industrial, business, residential and accessory uses provided that the industrial and non-retail business uses combined are not less than thirty percent (30%) of the total gross floor area.

7.9.3.2 Accessory Uses: In addition to the accessory uses permitted in the underlying districts the following accessory uses are permitted in the West Concord Mixed Use Overlay District:

- (a) Retail store as defined in Section 4.5.1.

7.9.3.3 Dimensional Requirements: Dimensional requirements shall be in accordance with the underlying districts except as provided below:

- (a) Lot coverage: where a mixed use project provides publicly accessible common open space, such common open space that is paved shall not be included in the calculation for lot coverage; maximum lot coverage shall be seventy-five percent (75%) of the entire lot, the same to include the gross floor area (ground floor only) of all buildings and all impervious paved areas associated with parking, loading and vehicular access.

7.9.3.4 Parking Requirements: Parking requirements shall be in accordance with **Table IV Minimum Parking** except as provided below:

- (a) Residential: One-and-one-quarter (1.25) spaces per dwelling unit
- (b) Restaurant: One (1) space per three (3) seats rated capacity

- (c) Office: Three (3) spaces per one-thousand square feet of gross floor area
- (d) Industrial: Two (2) spaces per one-thousand square feet of gross floor area

7.9.3.5 Mixed Use Project: A dwelling unit or units may be located on the same lot where industrial and non-retail business uses are conducted provided that all of the following requirements are met:

- (a) Each such unit is structurally part of an industrial or non-retail business building having common foundation and roof.
- (b) No dwelling units shall be located on the ground/first floor.
- (c) At least ten percent (10%) of the dwelling units (and no less than one unit) are available as affordable housing, as defined by the Massachusetts Department of Housing and Community Development or any successor entity.
- (d) Measures are provided to mitigate the effect of industrial or non-retail business uses on the residential units, such as separation of loading areas and acoustical isolation, without compromising the effectiveness of industrial or non-retail business use spaces.
- (e) Common open space, available and accessible to residents and to the public, shall be provided equal to at least twenty-five percent (25%) of the gross floor area of the residential use. The common open space shall have a shape, dimension, character, landscaping/vegetation and location suitable to assure its use as common, park, recreation, or conservation purposes.

7.9.3.6 Permissible Variations: In the grant of a special permit for a Mixed Use Project, the Board may authorize:

- (a) An increase in the height of the building up to forty-eight (48) feet, as defined in section 6.2.11, provided that any portion of the structure above forty feet (40') in height is set back from each face of the building a minimum of five feet (5').
- (b) A decrease in the total number of required parking spaces.

7.9.4 Criteria. In addition to the criteria identified in Section 11.6 of the Zoning Bylaw, the Board shall consider the following:

7.9.4.1 The proposal constitutes a high quality development that adheres to the intent of the West Concord Design Guidelines with regard to construction materials, architectural design, and site design; enhances the business and the industrial districts; and, provides significant benefit to the residents of the Town.

7.9.4.2 The proposed development will provide effective protection of the waterways from stormwater runoff from new impervious surfaces being proposed.

7.9.4.3 The proposal includes, to the maximum extent feasible, environmentally sustainable design and construction to reduce long-term impact on Town's services including: electricity, water, sewer and wastewater treatment, and solid-waste disposal.

7.9.4.4 The proposed development is designed in a manner that is compatible with the existing natural features of the site and is compatible with the characteristics of the surrounding area.

7.9.4.5 The proposed development provides open outdoor space that is available for public use and allows access to the bordering waterways and other natural features.

7.9.4.6 The proposed development will improve the functionality of the West Concord Village, West Concord Business and West Concord Industrial Districts by at least two of the following means:

- (a) Provide additional public parking spaces;
- (b) Provide improvement to the effectiveness of and access to public parking;
- (c) Provide improvement to the pedestrian pathways and experiences in the underlying districts;
- (d) Provide generous views and public access to the natural resources;
- (e) Provide improvement to vehicular traffic circulation in the underlying districts.

7.9.5 Application for Special Permit - Procedures: Any Applicant who desires a special permit for a Mixed Use Project shall submit a written application for a special permit and site plan review to the Board, with copies to the Planning Board and Natural Resources Commission, in such form as the Board may require, which shall include the following:

7.9.5.1 A development statement consisting of a petition, a certified list of abutters to the site, a list of the development team and a written statement meeting the requirements of a site evaluation statement under the Town's Subdivision Rules and Regulations and setting forth the development concept.

7.9.5.2 Development plans consisting of:

- (a) Site plans meeting, to the extent applicable, the requirements set forth for a Definitive Plan in the Town's Subdivision Rules and Regulations;
- (b) Building elevations;
- (c) Floor plans;
- (d) Landscape plan and details.

7.9.5.3 Such additional information as the Board may determine.

7.9.5.4 Report and Recommendations of the Planning Board: The Planning Board shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the technical quality of the proposed development including at least:

- (a) General descriptions of the natural terrain of the Mixed Use Project and surrounding areas;
- (b) A review of the proposed development, including the design and use of buildings and of the open spaces between and around the buildings, of pedestrian and vehicular circulation, of the location and capacity of parking and the provisions for grading, landscaping and screening;
- (c) An opinion as to whether the proposed site design, development layout, number and type of dwelling units, and design of the Mixed Use Project constitutes a suitable development for the area within which it is located;
- (d) An evaluation and opinion upon the degree to which the proposed Mixed Use Project provides a range of diverse uses and size of spaces as it relates to increased height and density that may be permitted by the Board;
- (e) An evaluation and opinion upon the degree to which the Mixed Use Project conforms to the Town's long range land use plan and 2010 West Concord Master Plan;
- (f) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

7.9.5.5 Report and Recommendations of the Natural Resources Commission: The Natural Resources Commission shall review the development statement and plans and shall submit in writing to the Board its report and recommendations upon the degree to which the proposed development enhances the protection of environmental qualities including at least:

- (a) An evaluation and opinion upon how the development impacts environmental resources;
- (b) An evaluation and opinion upon how the open space protects the environmental resources and enhances the value of the outdoor recreation resource;
- (c) Recommendations for the granting or denial of the special permit, including recommendations for modifications, restrictions or requirements to be imposed as a condition of granting the special permit.

7.9.5.6 Issuance of a Special Permit by the Board: A special permit shall be issued under this section only if the Board shall find that the Mixed Use Project is in harmony with the general purpose and intent of this section. If a special permit is granted the Board shall impose as a condition thereof that the installation of municipal services and construction of access drives shall comply with the Subdivision Rules and Regulations to the extent applicable, shall require sufficient security to insure such compliance and the completion of site amenities and may impose such additional conditions and safeguards as public safety, welfare and convenience may require, either as recommended by the Planning Board or Natural Resources Commission or upon its own initiative. The Board shall give due consideration to the reports of the Planning Board and Natural Resources Commission and where the decision of the Board differs from the

recommendations of the Planning Board or Natural Resources Commission the reasons therefore shall be stated in writing.

or take any other action relative thereto.

This Zoning Bylaw amendment was prepared by the Planning Board at the recommendation of the West Concord Task Force. This amendment allows for an additional increased height of up to 48 feet for mixed use development projects in a defined area of the West Concord Industrial District (an area that includes Assessor parcels #2185 and #2184-1-2) that begin to implement recommendations of the 2010 West Concord Master Plan to provide affordable light industrial space, improve traffic circulation and enhance access to natural areas. References to "the Board" means the Board of Appeals, as provided in the Zoning Bylaw Section 1.3 Definitions.

ZONING BYLAW AMENDMENT – ESTABLISH THE WEST CONCORD VILLAGE DISTRICT – By Petition

ARTICLE 6. To determine whether the Town will vote to amend **Zoning Bylaw Section 2.1 Classification of Districts** by inserting the following phrase, "West Concord Village (WCV) at the beginning of the list under the *Commercial Districts* list;

Amend **Zoning Bylaw Section 2.2 Zoning Map** by changing the following parcels or portions of parcels located in West Concord along Commonwealth Avenue, Church Street and Main Street, as shown on Assessor's Map D-9, that are currently zoned as "West Concord Business" to "West Concord Village":

Beginning along the northerly side of Commonwealth Avenue and moving southeasterly, those portions of Parcels: 2184-1-2, 2190, 2191, 2192, 2193-92, 2193-94, 2193-96, 2193-98, 2193-100, 2194-LL, 2194-84, 2194-84A, 2194-86, 2194-88, and 2195 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing southeasterly to the centerline of the MBTA commuter rail then easterly along the centerline of the MBTA commuter rail to the West Concord Depot, that portion of the commuter rail line and Parcel 2196-2, and Parcels 2201, 2200-3, 2200-2, and 2200-1 that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Continuing along the westerly side of Junction Park to the centerline of Main Street, then proceeding westerly along the centerline of Main Street to the westerly property line of Parcel 2451 (also known as the 99 Restaurant) then following the rear lot lines of the following parcels on the south side of Commonwealth Ave. and Church Street in their entirety: Parcels 2451, 2202, 2203, 2204-41, 2204-43, 2204-45, 2204-47, 2205, 2206, 2207, 2208, 2209 and 2210, and a portion of 2447, that are currently zoned as West Concord Business District shall become West Concord Village District, and,

Proceeding northwesterly along the western property line of Parcel 2209 to the centerline of Church Street, then northerly to the centerline of the MBTA commuter rail line, then incorporating parcels 2212, 2213, 2214, 2215, 2216 to the centerline of Maple Court/driveway right-of-way and proceeding northwesterly across Bradford Street and continuing along the centerline of Maple Court to include parcels, 2218, 2219, 2231, 2232 which are currently zoned as West Concord Business District shall become West Concord Village District; at Parcel 2324 the zoning district line follows the western property line of Parcel 22324 to the side line of Commonwealth Ave., which then proceeds to the centerline of Commonwealth Ave. that is opposite the westerly property line of Parcel 2184-1-2.

As shown on a map titled West Concord Zoning dated January 3, 2011;

And amend **Zoning Bylaw Section 4 Classification of Principal Uses, TABLE I – PRINCIPAL USE REGULATIONS** to insert and establish the following uses for the West Concord Village District:

In Table I – Principal Use Regulations, insert the West Concord Village (WCV) column.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word "no" next to the following sub-categories of uses: 4.1.4 Earth removal, 4.2.1 Single-family dwelling, 4.2.2 Two-family or additional dwelling unit, 4.2.4 Combined industrial/business/residence, 4.2.5 Residential Compound, 4.2.6

Residential Cluster Development, 4.2.7 Planned Residential Development, 4.2.8 Boarding house, 4.2.9 Hotel and motel, 4.3.5 Hospital and nursing home, 4.3.6 Assisted living residence, 4.3.7 Cemetery, 4.5.7 Funeral home, 4.5.8 Repair shop and building trade, 4.5.9 Veterinary and kennel, 4.5.12 Medical center and laboratory, 4.5.13 Auto service station, 4.5.14 Auto repair shop, 4.5.15 Vehicular dealerships, 4.5.16 Boat sales and rental, 4.5.17 Parking facility, 4.5.18 Transportation services, 4.6.1 Warehouse, 4.6.2 Storage yard, open-air sales, 4.6.4 Manufacturing, packaging, processing and testing, and 4.7.1 Prohibited uses.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word “yes” next to the following sub-categories of uses: 4.1.1 Forestry, 4.1.2 Agriculture, horticulture, floriculture and viticulture, 4.1.3 Greenhouse, 4.1.5 Conservation use, 4.1.6 Private recreation, 4.3.1 Educational, 4.3.2 Child care facility, 4.3.3 Religious, 4.3.4 Philanthropic, 4.4.1 Municipal use, 4.4.2 Underground utility, 4.4.3 Above ground utility, 4.5.1 Retail store, 4.5.2 Personal service shop, 4.5.3 Craft shop, 4.5.4 Restaurant, 4.5.5 Indoor amusement, 4.5.6 Outdoor amusement, and 4.5.10 Financial and business office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the word and symbols “yes***” next to the following subsections: 4.2.3 Combined business/residence and 4.5.11 Professional office.

In Table I – Principal Use Regulations, under the West Concord Village (WCV) column, insert the letters and symbols “SP***” next to the following subsections: 4.3.8 Lodge and club and 4.6.3 R&D and Light manufacturing.

At the bottom of Table I – Principal Use Regulations, add the following footnote:

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

so that the WCV column in Table I reads as follows:

TABLE I – PRINCIPAL USE REGULATIONS

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
4.1	Extensive Uses						
4.1.1	Forestry	<u>yes</u>	yes	yes	yes	yes	yes
4.1.2	Agriculture, horticulture, floriculture and viticulture	<u>yes</u>	yes	yes	yes	yes	yes
4.1.3	Greenhouse	<u>yes</u>	yes	yes	no	yes	yes
4.1.4	Earth Removal	<u>SP</u>	SP	SP	SP	SP	SP
4.1.5	Conservation use	<u>yes</u>	yes	yes	yes	yes	yes
4.1.6	Private recreation	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.2	Residential Uses						
4.2.1	Single-family dwelling	<u>no</u>	yes	no	no	no	no
4.2.2	Two-family or additional dwelling unit	<u>no</u>	SP	SP	no	no	no
4.2.3	Combined business/residence	<u>yes</u> ***	yes	yes	yes ³	no	no
4.2.4	Combined industrial/business/residence	<u>no</u>	no	no	no	SP	SP
4.2.5	Residential Compound	<u>no</u>	SP	no	no	no	no
4.2.6	Residential Cluster Development	<u>no</u>	SP	no	no	no	no
4.2.7	Planned Residential Development	<u>no</u>	SP	no	no	no	no
4.2.8	Boarding house	<u>no</u>	yes	no	no	no	no
4.2.9	Hotel and motel	<u>no</u>	yes	SP	yes ¹	no	no
4.3	Institutional Uses						
4.3.1	Educational	<u>yes</u>	yes	yes	yes	yes	yes

Principal Uses		Commercial Districts				Industrial Districts	
		WCV	B	WCB	LB	WCI	I
4.3.2	Child care facility	<u>yes</u>	yes	yes	yes	yes	yes
4.3.3	Religious	<u>yes</u>	yes	yes	yes	yes	yes
4.3.4	Philanthropic	<u>yes</u>	yes	yes	SP ⁸	yes	yes
4.3.5	Hospital and nursing home	<u>no</u>	yes	no	SP ⁸	no	no
4.3.6	Assisted living residence	<u>no</u>	no	no	SP ⁸	no	no
4.3.7	Cemetery	<u>no</u>	yes	no	no	no	no
4.3.8	Lodge and club	<u>SP</u> ***	yes	SP	no	yes	yes
4.4	Government and Utility Uses						
4.4.1	Municipal use	<u>yes</u>	yes	yes	yes	yes	yes
4.4.2	Underground utility	<u>yes</u>	yes	yes	yes	yes	yes
4.4.3	Above ground utility	<u>yes</u>	yes	yes	SP	yes	yes
4.5	Business Uses						
4.5.1	Retail store	<u>yes</u>	yes	yes	no	no**	no**
4.5.2	Personal service shop	<u>yes</u>	yes	yes	no	no	no
4.5.3	Craft shop	<u>yes</u>	yes	yes	no	yes	yes
4.5.4	Restaurant	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.5	Indoor amusement	<u>yes</u>	yes	yes	no	yes	yes
4.5.6	Outdoor amusement	<u>yes</u>	yes	yes	yes ¹	yes	yes
4.5.7	Funeral home	<u>no</u>	yes	SP	yes ³	yes	yes
4.5.8	Repair shop and building trade	<u>no</u>	yes	yes	no	yes	yes
4.5.9	Veterinary and kennel	<u>no</u>	no	no	no	yes	yes
4.5.10	Financial and business office	<u>yes</u>	yes	yes	yes**	yes	yes
4.5.11	Professional office	<u>yes</u> ***	yes	yes	yes*	yes	yes
4.5.12	Medical center and laboratory	<u>no</u>	yes	no	SP ⁶	yes	yes
4.5.13	Auto service station	<u>no</u>	yes	SP	yes ¹	yes	yes
4.5.14	Auto repair shop	<u>no</u>	yes	SP	no	yes	yes
4.5.15	Vehicular dealerships	<u>no</u>	yes	no	no	yes	yes
4.5.16	Boat sales and rental	<u>no</u>	yes	no	yes ⁵	yes	yes
4.5.17	Parking facility	<u>no</u>	yes	no	no	yes	yes
4.5.18	Transportation services	<u>no</u>	SP	SP	no	SP	SP
4.6	Industrial Uses						
4.6.1	Warehouse	<u>no</u>	yes	no	no	yes	yes
4.6.2	Storage yard, open-air sales	<u>no</u>	yes	no	no	SP	SP
4.6.3	R&D and Light Manufacturing	<u>SP</u> ***	yes	SP	no	yes	yes
4.6.4	Manufacturing, packaging, processing, and testing	<u>no</u>	yes	no	no	yes	yes
4.7	Restricted and Prohibited Uses						
4.7.1	Prohibited Uses	<u>no</u>	no	no	no	no	no

* 2,3,4,6 provided, however, that only business office use shall be permitted in Limited Business District #4.

** Except as provided by Special Permit in a Combined industrial/business/residence building

***Except no residential use, lodge or club, professional office, or R&D and Light manufacturing shall be permitted on the first floor in the West Concord Village District.

♦ Except as provided by Special Permit in Limited Business District #8

♦♦ Except as provided by Special Permit for a PRD or a combined/industrial/business/residence in Limited Industrial Park #1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

#1 District, or by Special Permit for an Alternative PRD in Limited Industrial Park #2.

Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).

And add a note to the footnotes of Table I – Principal Use Regulations as follows: “Note: Numbers listed as a superscript in the LB column indicate the Limited Business District in which the activity may occur; if no number appears the use is permitted in all LB districts (see Section 3.2.2).”

or take any other action relative thereto.

The West Concord Task Force desires to enhance village character by allowing only retail and other pedestrian-oriented uses on the ground floor within a designated commercial area of West Concord and limiting certain other uses. The proposed West Concord Village District area and boundaries have been defined by the Planning Board. For visual clarity, the Residential, the Medical-Professional (MP) and the Industrial Park (IP) and Limited Industrial Park (LIP 1 & 2) Districts were intentionally omitted from Table I for purposes of the warrant only, because no changes are proposed for these Districts. Additionally, the text of use 4.3.5 Hospital and nursing home is abbreviated for the warrant only, the full text would add a provision for Limited Business District #6 to allow only nursing, rest or convalescent home and hospital parking in that District. Changes above are shown underlined and highlighted for the warrant only.

Hereof fail not and make due return of this Warrant with your doings thereon, to the Town Clerk, at or before the time of said meeting aforesaid.

Given under our hands this 21st day of March in the year two thousand-eleven.

Jeffrey S. Wieand

Commonwealth of Massachusetts
Middlesex, ss.

Concord

Stanly E. Black

(date)

Gregory P. Howes

By virtue of this warrant I have notified the legal voters of the Town of Concord to meet at the times and places and for purposes within named as directed.

Carmin C. Reiss

CONSTABLE OF CONCORD

Elise F. Woodward

BOARD OF SELECTMEN

SPECIAL TOWN MEETING VOTER REGISTRATION INFORMATION

THE DEADLINE FOR UNREGISTERED RESIDENTS TO REGISTER TO VOTE AT THE SPECIAL TOWN MEETING IS:

FRIDAY, APRIL 15, 2011

A SPECIAL EVENING REGISTRATION SESSION WILL BE HELD ON FRIDAY, APRIL 15, 2011 UNTIL 8:00 PM AT THE TOWN CLERK'S OFFICE, 22 MONUMENT SQUARE FOR RESIDENTS WHO ARE CURRENTLY NOT REGISTERED VOTERS IN CONCORD.

VOTER REGISTRATION CAN NOW BE DONE EITHER BY MAIL OR IN PERSON. FOR MAIL-IN REGISTRATION FORMS, CALL THE TOWN CLERK'S OFFICE AT (978) 318-3080. FOR REGISTRATION IN PERSON, THE TOWN CLERK'S OFFICE AT THE TOWN HOUSE, 22 MONUMENT SQUARE, IS OPEN MONDAY – FRIDAY 8:30 AM - 4:30 PM.